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Security Council

Fifty-second Year

Provisional

3826th Meeting

Thursday, 23 October 1997, 4 p.m.

New York

President:	Mr. Somavía	(Chile)
Members:	China	Mr. Liu Jieyi
	Costa Rica	Mr. Berrocal Soto
	Egypt	Mr. Elaraby
	France	Mr. Dejammet
	Guinea-Bissau	Mr. Cabral
	Japan	Mr. Owada
	Kenya	Mr. Rana
	Poland	Mr. Matuszewski
	Portugal	Mr. Monteiro
	Republic of Korea	Mr. Park
	Russian Federation	Mr. Lavrov
	Sweden	Mr. Dahlgren
	United Kingdom of Great Britain and Northern Ireland	Sir John Weston
	United States of America	Mr. Richardson

Agenda

The situation between Iraq and Kuwait

Note by the Secretary-General (S/1997/774)

97-86308 (E)

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The meeting was called to order at 4.25 p.m.

Adoption of the agenda

The agenda was adopted.

The situation between Iraq and Kuwait

Note by the Secretary-General (S/1997/774)

The President (*interpretation from Spanish*): The Security Council will now begin its consideration of the item on its agenda. The Council is meeting in accordance with the understanding reached in its prior consultations.

Members of the Council have before them the note by the Secretary-General contained in document S/1997/774 transmitting the report of the Executive Chairman on the activities of the Special Commission established by the Secretary-General pursuant to paragraph 9 (b) (i) of Security Council resolution 687 (1991).

Members of the Council also have before them document S/1997/816, which contains the text of the draft resolution submitted by Chile, Costa Rica, Japan, Poland, Portugal, the Republic of Korea, Sweden, the United Kingdom of Great Britain and Northern Ireland and the United States of America.

It is my understanding that the Council is ready to vote on the draft resolution before it. Unless I hear any objection, I shall put the draft resolution to the vote now.

There being no objection, it is so decided.

I shall first give the floor to those members of the Council who wish to make statements before the voting.

Sir John Weston (United Kingdom of Great Britain and Northern Ireland): The resolution which is before us, co-sponsored by the United Kingdom and eight other members of this Council, is in direct response to continued Iraqi obstruction of the Special Commission (UNSCOM) in the execution of the mandate given to it by this Council, in contravention of the demands of Security Council resolution 1115 (1997), adopted unanimously by the Council on 21 June 1997.

In that resolution, the Council stated its firm intention to impose additional measures on those Iraqi officials responsible for instances of non-cooperation with the Special Commission and those which had not allowed the Special Commission's inspection teams immediate, unconditional and unrestricted access to Iraqi facilities and personnel. The incidents described by the Executive Chairman of the Special Commission in his report of 6 October 1997 show that the Iraqi regime chose to ignore that warning.

We, together with our fellow co-sponsors, believe, therefore, that the Council should react robustly to continued Iraqi flouting of Security Council resolutions. We further believe that the resolution on which we are about to vote is a reasonable, proportionate and focused response to repeated Iraqi failures.

It contains a firm and consistent decision which builds on and develops the firmly stated intention in resolution 1115 (1997) "to impose additional measures". It spells out those measures — what they are and to whom they will apply — while generously providing a further opportunity over the next six months for Iraq to demonstrate by its good faith that they are unnecessary. It begins straight away the process of designating, on the basis of incidents recorded since the adoption of resolution 1115 (1997), who some of the targeted individuals would be, so that action on paragraph 6 of the resolution could begin at once, if needed. It also postpones any further sanctions reviews until next April, because Iraq's obstruction has made it impossible for the Special Commission to complete its work.

The basis for these decisions is clearly set out in the resolution. It expresses grave concern at the additional incidents of Iraqi refusal to allow UNSCOM access to sites in Iraq since the passage of resolution 1115 (1997). It condemns these incidents, as well as the endangering of the safety of UNSCOM staff, the destruction of documents of interest to the Special Commission and the interference with the freedom of movement of UNSCOM personnel. It decides that these incidents of Iraqi non-compliance are a flagrant violation of Security Council resolutions. It notes that, in his report, the Executive Chairman of the Special Commission was unable to advise this Council that Iraq was in substantial compliance with the demands of resolution 1115 (1997).

To us and our fellow co-sponsors this provides adequate justification to move forward from the decision we took in June. We shall regret it if a few Council members, for whatever reasons of their own, are unable to subscribe to this view. We have worked hard and in good faith to accommodate all members' preoccupations on the text. But we were not willing to compromise the

underlying purpose of the resolution or the responsibilities of the United Nations Security Council in order to appease Iraq — an Iraq, by the way, whose spokesmen have unwisely tried to threaten and intimidate the United Nations in recent days.

This Council will not be deflected from its course by unacceptable Iraqi attempts at blackmail. The message which needs to be sent clearly is that if the Government of Iraq chooses to challenge the will and authority of the United Nations Security Council, it can be sure of a firm and principled response. If Iraq has not yet understood this, it has understood nothing.

The United Kingdom, for its part, remains determined to ensure that Iraq complies fully with the decision of the international community that it should give up its weapons of mass destruction and any ambitions it may have to retain or acquire them. This can only be achieved if Saddam Hussain takes the political decision to cooperate fully with the Special Commission. The regularity with which this Council has had to address this issue confirms that this decision has still not been taken. All we have heard from the Iraqi regime for the past six and half years are lies and empty promises, while on the ground they have actively obstructed the Special Commission and concealed from it details of its illegal weapons programmes. These facts are borne out in the latest report of the Special Commission, which clearly states that, while progress has been made, serious deficiencies remain in all three weapons areas, in particular on chemical and biological warfare agents.

The United Kingdom congratulates the Executive Chairman and his staff for the progress which has been made. In the light of Iraqi behaviour, it is nonsense to suggest that Iraq deserves to share the credit. The progress which has been achieved is due solely to the dedication of numerous international experts drawn from many Member States, for whom Iraqi harassment, obstruction, lies and half-truths have been and continue to be a daily fare. The Special Commission and its staff will continue to have our full support.

Let us be clear that until and unless Iraq cooperates with the Special Commission and tells the whole truth about its programmes of illegal weapons of mass destruction, there can be no prospect of the Council considering whether the demands of Section C of Security Council resolution 687 (1991) have been met. The reviews for that purpose remain in suspension.

Finally, this is not a sanctions review. But on this occasion it is worth reminding ourselves that Iraq has still failed to meet its obligations on missing Kuwaiti prisoners of war, property and the national archives of Kuwait. For the United Kingdom, the successful resolution of these issues is no less important than that of the destruction of Iraqi weapons of mass destruction. It is high time for Iraq to commit itself to addressing seriously these matters as well.

Mr. Elaraby (Egypt) (*interpretation from Arabic*): The Security Council is meeting today to consider the reports submitted by UNSCOM and by the International Atomic Energy Agency (IAEA) in order to follow up on the Security Council resolutions concerning Iraq and to examine whether Iraq has discharged its obligations vis-à-vis these two authorities to attain the objectives determined by the relevant Security Council resolutions, and in order to adopt the necessary measures and recommendations to ensure that Iraq cooperates with the Council on this matter.

We have heard with keen interest the assessment given by Mr. Hans Blix, Director-General of the IAEA, to the Council. He has informed us of the progress made by the Iraqi Government with regard to nuclear matters and has pointed out that it is advisable to obtain greater cooperation on the part of that Government in order to conclude pending questions, so that the IAEA can present a report on the completion of its technical functions.

We have listened with equal attention to the report presented to the Council by Mr. Richard Butler, Executive Chairman of UNSCOM. He confirms the progress with regard to disarmament indicated in the report, especially in the area of missiles and chemical agents. In this connection, I should particularly like to emphasize the importance of paragraph 147 of the report:

> "It should be recognized that UNSCOM has registered significant achievements in the disarmament field and is well launched in the field of monitoring."

On the basis of the two reports, Egypt has drawn certain conclusions that it would like to have seen included in the draft resolution before us today, with regard to the evaluation of the implementation of the Council's resolutions and the Council's future actions. Those conclusions are as follows.

First, notwithstanding the fact that the reports indicate certain negative aspects of Iraq's conduct, there are also some positive aspects that the draft resolution should have taken into account and credited to the Iraqi Government, because they give an indication of what UNSCOM and the International Atomic Energy Agency (IAEA) have achieved so far that may provide us a foundation in the future — for example, the completion of the missiles investigation, the fact that it has been possible to establish the number of missiles in Iraq's possession and the achievements in the nuclear and chemical spheres.

Second, despite our wholehearted support for Ambassador Butler, for the Special Commission's mandate and for continued consultations with the Security Council on the best way of fulfilling that mandate, we wish to stress that the Council must be the only body responsible for making the right decision, following consultations and discussions, on the basis of reports submitted by the Special Commission.

Third, the reports that have been submitted and the comments made by the Director-General of the IAEA and by the Executive Chairman of the Special Commission indicate that those two bodies deal with purely technical matters. The question of verifying what has been destroyed is a vital one and deserves the Council's attention. Although it is difficult, from the purely technical standpoint of the IAEA and the Special Commission, to assert that nothing remains to be destroyed, it is important that the Council take a clear decision defining the ultimate goal of the activities of those two bodies in order that the Council's resolutions can be fully implemented in detail.

Fourth, the evaluation of the extent to which Iraq implements the Security Council's resolutions is determined by those resolutions. There is no doubt about this, but it still depends on the arrangements, measures and modalities determined by the Special Commission in consultation with the Government of Iraq, which has sovereignty over its own territory. Though the Security Council has not formally adopted such arrangements and modalities, they are set forth in the reports of the Special Commission, of which the Council has taken note, and they have therefore become an integral part of the machinery in place for evaluating the extent to which Iraq implements the Council's resolutions. This is why the difference of opinion between the Special Commission and Iraq with regard to the interpretation of these modalities and the manner of implementing them demands that we take the time to study the question objectively. Iraq must cooperate even further and implement what has been agreed, and the Special Commission, for its part, must make an effort to cooperate in establishing clear-cut modalities so that it can fully discharge its responsibilities and submit a good assessment to the Council.

Fifth, assessing the manner in which Iraq is discharging its responsibilities means taking into consideration what the reports say: that only sporadically has Iraq not acted in conformity with Security Council resolutions. We must therefore ask the following questions: are we here faced with recurring, systematic non-cooperation with the Special Commission? Do the number of instances indicate a real pattern of unwillingness to comply with the Council's resolutions? During the period covered by the present report, the Executive Chairman notes that the Special Commission has made more than 860 inspections. In considering these isolated instances of differences between Iraq and the Commission over the manner of implementing the agreed modalities, we must study them objectively and precisely in order to decide whether they can be described as having been respected by Iraq or whether Iraq has not lived up to its commitments.

Sixth, Egypt is opposed in principle to the imposition of any additional sanctions against Iraq, since Iraq has, in our opinion, made further efforts in the past six months to cooperate with the Special Commission and the IAEA. Although the draft resolution now before us does serve notice on the Government of Iraq by threatening the imposition of special sanctions, we do not believe that any measure that the Council might take to prompt the Government of Iraq to cooperate further with the Special Commission should apply retroactively, since the proper legal interpretation of Security Council resolution 1115 (1997) is that the Council is prepared to impose additional measures if the Executive Chairman of the Special Commission advises it that Iraq is not in compliance with paragraphs 2 and 3 of that resolution. Should the Council today adopt a resolution based on the report of the Executive Chairman dated 6 October 1997, the date of implementation of any measures should be that of the report submitted to the Council by the Special Commission, not the date of resolution 1115 (1997).

Seventh, the preparation of lists of individuals who have impeded the work of the Special Commission without specifying the person entrusted with preparing the lists or the modality of their preparation is ambiguous. The Council should have mandated the sanctions committee to determine clear criteria for the modalities for the implementation of the resolution, as well as the

respective roles of the Special Commission and the Iraqi Government in this connection, so that the Council could avoid contributing to aggravating the tensions between Iraq and the Special Commission, which would complicate the task of eliminating weapons of mass destruction. Mr. Butler's functions as Executive Chairman would also be made more difficult, and he deserves all our support.

As a matter of principle, Egypt is also opposed to any measures that might increase tensions in the region, for that would not be in the short- or long-term interests of any State in the region. What we need to do today is to reaffirm the objectives of the Security Council's prior resolutions and to encourage Iraq to implement them precisely. That is why we call upon Iraq and the Special Commission to undertake further cooperation in a climate of calm and mutual respect.

I take this opportunity to recall once again the importance of settling pending questions concerning prisoners of war and Kuwaiti property, including Kuwaiti national archives. These are humanitarian questions that should be settled without delay.

In view of all that, this morning in informal consultations the Egyptian delegation made a point of asking that the calm and constructive dialogue in good faith that has been pursued in recent days with regard to the provisions of the draft resolution before us today be continued so as to take into account all proposals designed to achieve consensus in the Council on this important draft. However, the sponsors of the draft resolution insisted on its being put to the vote today without taking into consideration the majority of the proposals put forward in recent days, particularly the proposals made today so that the draft resolution would respect logic, legality and the provisions of resolution 1115 (1997), and so that it might, once adopted, inspire the Iraqi Government to cooperate more fully with the Special Commission.

All these reasons have prompted the Government of Egypt to reconsider its position. For that reason, we shall abstain in the voting on the draft resolution.

Mr. Monteiro (Portugal): The work of the United Nations Special Commission (UNSCOM) is fundamental to achieving the goals that the Council established in adopting resolution 687 (1991). Full cooperation on the part of the Iraqi authorities is essential to this process.

The Security Council must be consistent in its decisions. We cannot forget why resolution 1115 (1997) was adopted last June. The Council must take a firm stand in order to send a clear signal that it cannot tolerate further incidents, such as those reported by the Executive Chairman of the Special Commission, which prevent UNSCOM from carrying out its mission.

We acknowledge that Iraq has been offering some degree of cooperation to UNSCOM lately. But, at the same time, obstruction of UNSCOM inspections has continued. This is unacceptable. Nothing less than full cooperation by Iraq with the Special Commission will enable it to fulfil its task.

We agree with those who say that what is most important is to have access to the truth. The cooperation of Iraq is fundamental in this regard. The Council shall give UNSCOM and Ambassador Butler all the latitude he deems necessary, in accordance with the resolutions of the Council concerning the work of the Special Commission, to establish the most adequate means to achieve its goals.

For these reasons, the draft resolution before us is, in our view, the most appropriate response of the Council in the present circumstances. It sends a clear message to Iraq: Let UNSCOM proceed with its task. Let it find the truth. Let the Commission accomplish its mission. Cooperate fully with it so that sanctions may finally be lifted.

This is why we have co-sponsored this draft resolution.

Mr. Dahlgren (Sweden): The mandate of the United Nations Special Commission (UNSCOM) was given by the Security Council in order to ensure that Iraq's weapons of mass destruction are eliminated so as to safeguard peace and security. Iraq must cooperate fully with the Special Commission. The Security Council has determined that Iraq must allow the Special Commission immediate, unconditional and unrestricted access in Iraq.

Iraq has flagrantly and repeatedly violated its obligations under relevant resolutions. Such violations are unacceptable and warrant a firm response from the Security Council. The draft resolution before us is a firm and adequate response. The measures will target only those individuals preventing UNSCOM from having access to sites it wishes to inspect or from conducting interviews in order to fulfil its task. Innocent Iraqi civilians will not be affected.

Full cooperation with the Special Commission and implementation of the relevant resolutions is the only way forward in order for the sanctions to be lifted. The Government of Iraq carries a heavy responsibility towards its own population if it continues to defy and further delay the completion of the mandate of the Special Commission.

Sweden supports the draft resolution before us. Its adoption by the Security Council will send a message which should be clearly understood by the Government of Iraq.

Mr. Matuszewski (Poland): The Polish delegation cannot but express its concern at the additional incidents that have occurred since the adoption of resolution 1115 (1997), in which the Iraqi authorities effectively denied the Special Commission (UNSCOM) access to sites designated for inspection or otherwise interfered in its operations undertaken in accordance with its mandate. These incidents have not allowed the Special Commission to advise the Council that Iraq is in substantial compliance with the obligations set out in resolution 1115 (1997).

The Iraqi actions reported by UNSCOM violate the relevant resolutions of the Security Council. Under the provisions of those resolutions, Iraq is obliged, among other things, to allow the UNSCOM inspection teams immediate and unrestricted access to all sites they choose for inspection.

Let me repeat what my delegation has been declaring over and over again. We would welcome the speediest possible lifting of sanctions imposed on Iraq. This is why we attach importance to the arduous progress made by UNSCOM towards the elimination of Iraq's programmes of weapons of mass destruction. This is also why we believe that Iraq should be reminded that its cooperation with UNSCOM is one of the basic conditions which must be fulfilled for the process of lifting of sanctions to begin.

The draft resolution before us, based on the logic of resolution 1115 (1997), which was unanimously adopted by this Council in June, clearly conveys this message. It also sends an appropriately strong signal — necessarily stronger than the one contained in the June resolution — that the Security Council is committed to ensuring that the Special Commission completes its mandate.

The Polish delegation expresses its earnest hope that the draft resolution submitted to the Council, if adopted, will have its intended effect and that the Iraqi authorities will desist from actions which prevent the Commission from carrying out its responsibilities. We remain concerned that such actions can only contribute to a regrettable delay in the fulfilment of the UNSCOM mandate, with all its detrimental consequences to the Iraqi people.

For the reasons I have just stated, the Polish delegation has co-sponsored the draft resolution before the Council.

Mr. Rana (Kenya): I would like, first of all, to express the appreciation of the Kenyan delegation for the efforts made by the sponsors of today's draft resolution in an attempt to accommodate the views and comments of all delegations. The goal of the international community remains to ensure that the process of disarming Iraq continues unhindered until all threats that it poses or could pose in future are removed.

We believe that the reports of the United Nations Special Commission (UNSCOM) and the International Atomic Energy Agency (IAEA) provide a platform on which our message to Iraq — to fully comply with its obligations under the relevant Security Council resolutions and to cooperate with UNSCOM — should have been based. Such a message, uncompromised and unified, would have allowed the Council to speak with one voice, as requested by the Executive Chairman of UNSCOM.

We were encouraged, for instance, that for the most part the reports of UNSCOM and the IAEA indicate that during the period under review, significant progress was on several fronts, and particularly in the missile and chemical weapons areas. We would like to see the cooperation between the Government of Iraq and UNSCOM, which made this progress possible, further enhanced to allow UNSCOM to carry out its mandate in full. We believe that sending a strong message while acknowledging progress made, however insignificant, are not mutually exclusive actions.

The UNSCOM report, on the one hand, points to some issues that justifiably need the attention of this Council. Chief among these is the biological weapons programme, in which there has been almost no progress recorded. The other important issue is, of course, that of the methods of work. Here, UNSCOM has experienced difficulties in both the disclosure and the verification phases. Incidents of the Iraq Government's denial of access to certain sites, as set out in annex I to the report (S/1997/774) before us, continue to concern us, and we strongly insist that all such hindrances be removed by the

Government, to enable UNSCOM to perform its functions. The report also states that, in the overall context of the Commission's work, inspections were conducted without let or hindrance.

The draft before us (S/1997/816) takes on board some of the issues we have referred to. However, it does not clearly portray the balance and tone of the reports in question, and it is for those reasons that my delegation will abstain in the voting.

Mr. Liu Jieyi (China) (*interpretation from Chinese*): The Chinese delegation believes Iraq should implement the relevant resolutions of the Security Council in a comprehensive manner. Meanwhile, the sovereignty, independence and territorial integrity, as well as the reasonable security concerns, of Iraq should also be respected. The agreement signed between the United Nations Special Commission and Iraq last year on the question of inspection should be implemented.

The report (S/1997/774) of the United Nations Special Commission (UNSCOM) shows that in the last six months UNSCOM has made a great deal of progress in the inspections it has carried out in relevant fields. All together, it has carried out over 800 inspections. In most cases, Iraq has cooperated with UNSCOM. The difficulty that has occurred in the course of inspection is something that we do not wish to see.

We have taken note of the fact that UNSCOM is to conduct consultations with Iraq on the problems that have occurred in the course of inspection. We hope that the two sides will, in a spirit of cooperation, solve the problems that have occurred in the course of inspection. We also believe that to solve the problems that have followed the Gulf War is in the fundamental interests of Iraq and other countries of the region.

The Chinese delegation is never in favour of imposing sanctions against any State indiscriminately; nor is it in favour of using sanctions as a threat. Experience shows that doing so can only run counter to our objectives. Nor will it contribute to a proper settlement of the problems. We believe that, in order to solve problems, our priority now is to enhance the cooperation between Iraq and UNSCOM, rather than further complicating the matter, thus making it more difficult to solve.

We believe the current draft resolution is not conducive to the settlement of the problems concerned. In the course of consultations, quite a number of delegations proposed amendments. Regrettably, however, those amendments were not accepted.

In the light of the above, the Chinese delegation will have to abstain in the voting on the draft resolution.

Mr. Owada (Japan): On 21 June this year the Security Council adopted resolution 1115 (1997), in the face of Iraq's non-cooperation with the United Nations Special Commission (UNSCOM), condemning the repeated refusal of the Iraqi authorities to allow access to sites designated by the Commission. Specifically, the resolution expressed in paragraph 6 the firm intention of the Security Council — unless the Special Commission advised the Council that Iraq was in substantial compliance with the provisions of that resolution — to impose additional measures on those categories of Iraqi officials responsible for the non-compliance.

Regrettably, the latest report submitted by Ambassador Richard Butler, Executive Chairman of UNSCOM, makes it clear that there has been a continued series of Iraqi non-cooperation in this respect, representing attempts on the part of the Iraqi authorities not to comply with the provisions of resolution 1115 (1997) to allow UNSCOM the rights of inspection under the mandate of the Council.

While my delegation takes note of the progress achieved by the Special Commission — as set out in the latest report of the Executive Chairman (S/1997/774) — towards the elimination of Iraq's programme of weapons of mass destruction, it is most important that the Security Council make its determination abundantly clear to ensure full cooperation by Iraq with all its obligations under all previous relevant resolutions. The Council should insist upon its demand that Iraq allow the Special Commission immediate, unconditional, unrestricted access to any site which the Commission wishes to inspect.

This issue should not be looked at as a mere technicality of violations of the sanctions regime against Iraq. As my delegation stated at the time of the adoption of resolution 1115 (1997) on 21 June, what is at issue is the most serious question of how to prevent the development of weapons of mass destruction, an issue of the utmost concern to all of us in the Security Council involved in the problem of peace and stability in the region.

It is important for the international community, through the decision of the Security Council, to

demonstrate its position of principle on this situation. With this point in mind, my delegation, together with other like-minded delegations, has actively participated in our efforts to produce a draft resolution that reflects this common position of the international community. Our efforts have been directed to produce a draft resolution which could command the unified position of the Security Council.

With all the efforts exerted in the Council in good faith, however, there is a limit beyond which we cannot go in deference to the points of principle involved. Simply to repeat condemnations which have been issued in the past for dealing with past incidents will, in the view of my delegation, not be sufficient in the light of the gravity of the situation. An approach building upon and following upon what the Council agreed in resolution 1115 (1997) is needed, so that the Council may bring about the compliance of Iraq with its obligations.

Based on this approach, Japan is in support of the direction in which the Security Council will now be moving in adopting this draft resolution. In particular, my delegation notes that paragraphs 6 and 7 of the draft resolution are essential elements which seek to bring Iraq to resuming full cooperation with UNSCOM as soon as possible. It is our sincere hope that Iraq will review its position and cooperate unconditionally with UNSCOM. My delegation understands the purport of these paragraphs to be requiring Iraq to cooperate fully with UNSCOM, in form as well as in substance, and to give immediate, unconditional and unrestricted access to its officials and other persons under its authority for interviews, so that UNSCOM can exercise all its rights as an essential precondition for discharging its mandate.

In the view of my delegation, this draft resolution is an essential response needed in order for the Council to maintain its authority and to carry out its responsibility for the maintenance of international peace and security. It is for this reason that Japan is co-sponsoring this draft resolution.

Mr. Lavrov (Russian Federation) (*interpretation from Russian*): First of all, we would like to reaffirm our consistent commitment to the need for Iraq to comply fully with the obligations following from the relevant Security Council resolutions, as well as our support for the United Nations Special Commission (UNSCOM).

Just recently, the Special Commission and the International Atomic Energy Agency (IAEA) produced voluminous comprehensive reports on the significant work done in filling in blank spaces in the Iraqi disarmament dossier, reports that have been carefully studied by the Security Council members.

The Special Commission's report notes "significant" and "important" progress, particularly in the missile and chemical areas. An almost complete accounting of proscribed missiles has been given. All facilities and components for chemical-weapons manufacturing have been eliminated. In doing so, Iraq has displayed the necessary degree of cooperation and willingness.

The International Atomic Energy Agency (IAEA) report has a positive tone. Numerous IAEA inspection teams have confirmed the absence in Iraq of proscribed activity relating to nuclear weapons, while dual-purpose facilities and equipment are being reliably monitored.

It cannot yet be stated, however, that Iraq has accounted for all the weapons, components and capabilities proscribed by section C of resolution 687 (1991). In particular, a number of questions remain to be clarified in the biological sphere. There are certain deficiencies in Iraq's compliance with its obligations as regards cooperation with the Special Commission in the conduct of inspections. Still, isolated incidents concerning inspections that have occurred in the last few months cannot, we are convinced, justify the immediate adoption of additional sanctions against Iraq, as provided for in resolution 1115 (1997). But the Russian delegation does believe that the problems remaining in relations between UNSCOM and Baghdad deserve serious attention on the part of the Security Council and must be rapidly resolved, *inter alia* within the framework of the consultations between the Executive Chairman of the Special Commission and Baghdad scheduled for this purpose.

Bearing all this in mind, we took a very active part in the preparation of the Security Council draft resolution, suggesting an objective and comprehensive response to the reports by the Special Committee and the IAEA.

As prepared by a group of sponsor States, the draft resolution before us for consideration today takes into account a number of observations made by my delegation, as well as by other Security Council members. In particular, it notes the Special Committee's progress towards eliminating the Iraqi programme for the production of weapons of mass destruction, and the question of introducing sanctions is deferred.

However, there is an obvious lack of balance in this draft. Ignored in it are various substantial elements of the

fulfilment by Iraq of relevant provisions of resolution 687 (1991). For example, we cannot understand why the draft resolution contains no mention of the IAEA report, which notes significant progress in the nuclear sphere, an area in which the Iraqi dossier can be viewed as closed. The sponsors' categorical refusal to refer to the IAEA report in the draft resolution raises most serious questions and is unacceptable to us.

There is an attempt in the draft resolution to revise the provision in resolution 1115 (1997) on the need for "substantial compliance" by Iraq with UNSCOM's requirements for access for inspection purposes. Since resolution 1115 (1997) continues in effect, the use of new wording in the form proposed by the sponsors of the draft resolution will confuse the criteria for Iraqi compliance with the Council resolutions.

A substantive problem arises in regard to operative paragraph 7, which was added by the sponsors just yesterday. The proposed new concept of a black list is faulty from both logical and legal standpoints, and therefore cannot be acceptable. Lists of persons subject to sanctions should not be drawn up when the Council has not yet decided whether sanctions will be imposed or not. Though there are people who believe that the Security Council is its own master, and has the right power to set whatever legal standards it wishes, we are convinced that when drafting documents the Council must be governed by the universally recognized norms of international law.

In order to seek mutually acceptable solutions, the Russian delegation cooperated in a constructive manner with the sponsors throughout the course of the drafting of this resolution. We were prepared to continue working on the draft in order to make it more balanced and acceptable to all members of the Security Council, since we also believe it important for the Council to speak with one voice. As it turned out, unfortunately, the sponsors, of the draft resolution were not ready to do further work on it.

Taking all the afore-mentioned factors into account, the Russian delegation will be forced to abstain during the vote.

The President (*interpretation from Spanish*): I shall now put to the vote the draft resolution contained in document S/1997/816.

A vote was taken by show of hands.

In favour:

Chile, Costa Rica, Guinea-Bissau, Japan, Poland, Portugal, Republic of Korea, Sweden, United Kingdom of Great Britain and Northern Ireland, United States of America

Against:

None

Abstaining:

China, Egypt, France, Kenya, Russian Federation

The President (*interpretation from Spanish*): The result of the voting is as follows: 10 votes in favour, none against and 5 abstentions. The draft resolution has been adopted as resolution 1134 (1997).

I shall now call on those members of the Council who wish to make statements following the voting.

Mr. Dejammet (France) (*interpretation from French*): Like all the members of the Security Council we are motivated by the desire to see Iraq discharge its obligations in regard to the resolutions of the Security Council and, with this end in mind, by the wish to strengthen our support for the work of the Special Commission, and to make sure that the cooperation between the Special Commission and Iraq produces the anticipated results as soon as possible.

We based our judgement on the report submitted to us by the Special Commission, a report in which many of us found sections that were — happily and finally — positive. We also noted the recommendations of the Executive Chairman of the Special Commission, which did not contain any request for the immediate imposition of additional sanctions.

We based the abstention which we just exercised on a consideration of the merits of the text of the resolution, but also in the light of a very strong principle, which was expressed with great conviction by the Executive Chairman of the Special Commission. This principle highlights the advantage, as far as possible, of seeking unity within the Council so as to underline the authority of the activities entrusted to the Special Commission by the Council. And it is this unity — which for some years now the Council has shown in its actions in regard to important texts pertaining to Iraq — that, we feel, has contributed to the achievement of the significant progress noted in the last report.

We agree that the text we have just voted on respects a fundamental principle: the sovereignty of the Council in its decision-making process. We deem it positive that those Council members who took part in the discussion of the text were able to demonstrate their unanimous agreement with that basic truth. However, bearing in mind the idea of proportionality referred to earlier, we had wanted the wording of the text to be such that it would not give rise to any hasty or erroneous interpretations, such as the belief that an additional sanctions process had already been set in motion — contrary, I repeat, to the appeal that we felt was contained in the report of the Special Commission.

We regret that the wording of certain paragraphs, which could have been improved upon, might lead some to believe that additional sanctions already existed. For that reason, we regret that the technical proposals that could have done away with these ambiguities were not approved.

The resolution's preamble acknowledges that progress has been achieved. That is good and shows that efforts were made by all Council members to reflect the conclusions reached by the Commission. But in this same vein, because progress was made, we think that the Executive Chairman of the Special Commission should have received some encouragement, however modest, to continue with his efforts and enhance further the effectiveness of the Special Commission's cooperation with the Iraqi authorities. We regret that that appeal was not heeded.

We had hoped also that the Council, in the future exercise of its prerogatives, would continue to use very precise wording in its work in order to avoid situations in which people who are not directly responsible for the problems encountered might find themselves facing sanctions. We deem it unfortunate that this suggestion was not taken into account. We also regret that a number of suggestions — which in our view would have helped improve the text by making it more strict and precise — were not acted on, because we believe that that final effort, which would not have taken much time, would probably have enabled us to get closer to the very desirable objective to which I referred earlier: unity within the Council. We could have demonstrated the Council's solidarity with the Special Commission and thus also strengthened the Commission's work in order to achieve all of the objectives of resolution 687 (1991).

It is in the light of these considerations that we were compelled to abstain in the voting.

Mr. Richardson (United States of America): Today, the Security Council agreed to specific travel restrictions on those categories of Iraqi officials responsible for obstructing the work of the United Nations Special Commission (UNSCOM). The Council declared its intention to impose such sanctions the next time Iraq violates the terms of Security Council resolution 1115 (1997), and the Council will begin from today the process of drawing up a list of those officials whose travel is to be prevented in such an eventuality.

It is amazing to me that, after six and a half years, this body still must consider new approaches to convince Iraq to comply with its international obligations. Only one party is responsible for this very sad state of affairs: the Baghdad regime.

Six and a half years after the liberation of Kuwait, Iraq still refuses to meet its most basic obligations, such as allowing UNSCOM inspectors to carry out their Security Council mandate without obstruction or harassment. Resolution 1115 (1997) reminded Baghdad — yet again — of its clear obligations in this area, and put it on notice that the Security Council would not tolerate continued Iraqi refusal to give UNSCOM the access necessary to ensure that Iraqi weapons of mass destruction no longer menace the region.

Apparently, this strong warning was not enough. UNSCOM Executive Chairman Richard Butler's report to the Security Council records a litany of Iraqi harassment, obfuscation, obstruction and deception — all taking place after resolution 1115 (1997) was adopted. For example, Iraqi officials destroyed documents in front of UNSCOM inspectors; Iraqi officials blocked access to sites, documents, and individuals; Iraqi officials — at the highest levels — lied and concealed information about key programmes, even when confronted with known facts by UNSCOM; Iraqi officials physically detained an UNSCOM chief aerial inspector and photographer; and Iraqi officials interfered with UNSCOM helicopter operations, endangering pilots and passengers.

In addition, the Deputy Prime Minister, in front of the Executive Chairman himself, told Iraqi officials under his authority not to answer questions posed by UNSCOM. And, perhaps most disturbing, the Iraqi Permanent Representative to New York privately and publicly threatened that Iraq will cease cooperation with UNSCOM and the Security Council if the Council imposes new sanctions on Iraq. If carried out, this threat

would represent a material breach of Iraq's obligations and demand a strong response.

How did Iraq explain these egregious acts? Iraq first attacked the credibility of the Special Commission and questioned its judgement. When this did not work, Iraq resorted to the time-honoured tactics of bullying, burning and blackmailing.

UNSCOM operates as an arm of the Security Council and gets its mandate solely from Security Council resolutions. When Baghdad challenges UNSCOM, it challenges the Council, and the Council has again made clear that it will brook no such challenges. If, after six and a half years, Iraq still does not understand this basic fact, then we must once again consider new mechanisms to make it understand.

Some here have suggested that the Security Council ought to reward Iraq because it is, in their view, cooperating with UNSCOM to a greater degree now than it has in the past. They point out that since there were "only" six blockages out of 670 inspections, Iraq is substantially complying with resolution 1115 (1997).

Using that logic, if I walked into a bank 670 times and robbed it only six times, I would therefore be a "substantially law-abiding" citizen. Compliance with international obligations is not a voluntary act. Cooperation is not a matter of degree. Either Iraq is in compliance with its obligations or it is in breach of those obligations.

The Security Council has not asked UNSCOM to determine how many or what kind of programmes of weapons of mass destruction it is acceptable for Iraq to maintain, but rather to verify that all of Iraq's programmes of weapons of mass destruction have been destroyed. UNSCOM cannot complete this task, frankly, because Iraq will not cooperate.

Let us take a look at Iraq's so-called cooperation over the past six months. Iraq is claiming that its "cooperation" allowed UNSCOM to account for most of the Scud missile engines imported into Iraq. But in fact, Iraq refused to let UNSCOM remove those engines from Iraq for analysis for four months last year. And Iraq still has not explained why many of those engines were apparently stripped of key components before they were destroyed: the same parts critical to the development of an indigenous missile production programme.

UNSCOM is right to insist that Iraq account for these and other components and clarify the status of Iraq's indigenous Scud manufacturing capability. Until Iraq provides this information, there is no way to determine with any degree of confidence whether Iraq still has the capacity to construct and deploy prohibited missiles.

Iraq also wants the Council to believe that it has cooperated with UNSCOM with regard to chemical weapons. However, as late as September, Iraq was still lying directly to UNSCOM about its production of VX. Only when presented with absolutely incontrovertible evidence did Iraq "cooperate" by admitting that it had lied in the past. Again, this is too little, too late.

As to biological weapons, the words of the report of the Secretary-General speak for themselves:

> "This is an area that is unredeemed by progress or any approximation of the known facts of Iraq's programme". [S/1997/774, para. 125]

Some of my colleagues have tried to draw attention to the report of the Director-General of the International Atomic Energy Agency (IAEA), Mr. Hans Blix, on Iraq's nuclear programme as an example of Iraqi cooperation. However, even in this area it is clear that Iraq has not answered all the relevant questions necessary to have a full accounting of its programmes. The books cannot be closed. Furthermore, we now know, thanks to the efforts of Mr. Blix and his staff, that Iraq lied and concealed an active weaponization programme for years in direct defiance of its commitments under the Treaty on the Non-Proliferation of Nuclear Weapons (NPT) and its commitments to the IAEA. Iraq has lied about its programmes for too long and too recently for us to settle for anything less than absolute certainty that Iraq's nuclear ambitions have been completely neutralized.

When accounting for nuclear weapons, close is not good enough. If you fail to account for just one nuclear device, that could mean the destruction of an entire city.

Baghdad has a clear and simple choice. It can comply with its obligations, thus opening the way to lifting sanctions, or it can continue along the path of non-compliance. It cannot do both.

At this point, I would like to commend the Executive Chairman of UNSCOM, Mr. Butler, for the fine work he and his staff have done in the short time he

has been in his position. Clearly, Mr. Butler has the courage, stamina and dedication necessary to perform his extremely difficult job. The international community owes Mr. Butler and his staff their gratitude.

UNSCOM and the Council have the right and the obligation to hold Iraq strictly accountable for every aspect of all its programmes of weapons of mass destruction. Iraq cannot pick and choose which questions it wishes to answer.

We on the Council must do everything we can to give Ambassador Butler the tools and the support he needs to do his job as efficiently and as thoroughly as possible. This resolution, we believe, helps to accomplish that objective. This resolution represents a strong but measured response of the Security Council to the continued failure of the Iraqi Government to cooperate with the Special Commission.

Since nothing in Iraqi behaviour merits the lifting of the suspension of the sanctions review, this resolution extends the suspension. No one even suggests that after six and a half years Iraqi performance comes close to compliance. Our resolution does not impose sanctions now, but it does start the process by beginning the compilation of names, so if sanctions are imposed there will be no administrative delay. It makes very clear to the Iraqi authorities that the next time they try to block UNSCOM's work the Council will impose sanctions against those individuals responsible for Iraqi failure to cooperate with UNSCOM.

We are not proposing broad-based sanctions that may cause hardship for the Iraqi people. Our goal remains to help the people of Iraq. But our goal must also always be to help protect all the peoples of the region, and especially the people of Kuwait, who have suffered the most from Iraqi aggression, whose properties and archives were stolen during the Iraqi invasion of Kuwait, and whose families still suffer the daily anguish of not knowing what has become of their loved ones still missing in action or taken prisoner of war. We must not, and will not, forget them, and we call upon Iraq to comply with the Council resolutions which deal with these issues.

This resolution addresses the specific issues of Iraqi non-cooperation with UNSCOM and Iraqi obstruction of UNSCOM's work. But for Iraq to rejoin the international family of respectable nations, it must begin by demonstrating its peaceful intentions and by fully complying with all relevant resolutions of the Council.

It was our hope that all members of the Council would have supported this resolution. The sponsors made tremendous efforts to obtain the support of all Council members. Some members have chosen not to support this resolution. We regret their decision. But there have been other resolutions on Iraq that were not unanimous. Those resolutions all carry the full weight of international law, and so will this one.

The President (*interpretation from Spanish*): The Security Council has thus concluded the present stage of its consideration of the item on its agenda.

The Security Council will remain seized of the matter.

The meeting rose at 5.40 p.m.